

Atty's Docket: 101215-51

ARGUMENTS IN FAVOR OF TRAVERSING THE RESTRICTION

Applicants request consideration of the restriction requirement between groups III and IX, drawn to a *Salmonella* detection kit, and a method of detecting, respectively.

According to PCT Administrative Rules (Annex B, Part I) "unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the *same or corresponding* special technical features. The expression "special technical features" is defined in Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.

In the present matter, it is indisputable that the claims of Group III (claim 12(iii)) and Group IX (claim 13(iii)), *both require* SEQ ID NOS: 15-17. Thus, Groups III and IX clearly share the special technical feature required by PCT Rule 13.2. Accordingly the restriction between these groups should be withdrawn.

The PCT expressly provides for the unity of invention to exist between inventions in different categories as follows:

(e) **Combinations of Different Categories of Claims.** The method for determining unity of invention under Rule 13 shall be construed as permitting, in particular, the inclusion of *any one of the following combinations of claims of different categories* in the same international application:

(i) in addition to an independent *claim for a given product*, an independent claim for a process specially adapted for the manufacture of the said product, and an *independent claim for a use of the said product*, ....

See Annex B, Part 1(e).

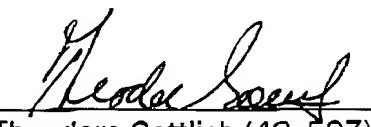
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Applicants believe that Groups III and IX fall squarely under this rule. To further emphasize the unity of invention between the Groups, new claim 26 is added to more closely illustrate the shared special technical features between Group III and Group IX. Applicants respectfully request that the restriction between Groups III and IX be withdrawn. New claim 27 further describes the Salmonella kit used in the method.

In view of the foregoing, Applicants respectfully request that the restriction between Groups III and IX be withdrawn.

Respectfully Submitted,

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